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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,772	10/20/2003	Michael R. Sanders	199.0001CON	9592
25534 7590 09/20/2007 CAHN & SAMUELS LLP 2000 P STREET NW SUITE 200 WASHINGTON, DC 20036			EXAMINER VETTER, DANIEL	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/687,772	<b>Applicant(s)</b> SANDERS, MICHAEL R.	
	<b>Examiner</b> Daniel P. Vetter	<b>Art Unit</b> 3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3628

## DETAILED ACTION

### *Status of the Claims*

1. Claims 1-12 are currently pending in this application.

### *Priority*

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

Although the disclosure of the prior-filed nonprovisional Application No. 09/642,760, which this application is a continuation of, provides support for the pending claims, the corresponding provisional Application No. 60/177,190 (filed January 21, 2000), fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for any of the claims of this application. Accordingly, the effective filing date of these claims is the filing date of the parent application, August 22, 2000.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Art Unit: 3628

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

5. Claims 1-11 are purported to be directed to a computer readable medium containing a data structure. However, the limitations of the claims do not meet the IEEE definition of a data structure, as required by MPEP § 2106.01 to be statutory when embodied on a computer readable medium:

In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works, and a compilation or mere arrangement of data.

MPEP § 2016.01. Claims 1-11 do not support any data manipulation functions and are directed to mere arrangements of data. Moreover, the term "computer readable medium" is not explicitly defined in the disclosure, and reasonably encompasses non-statutory media such as a carrier wave signal. Accordingly, these claims are rejected under § 101 as being directed to non-statutory subject matter.

#### *Claim Rejections - 35 USC § 112*

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3628

7. Claims 7, 10, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 7 recites the limitation "the shipping address." There is insufficient antecedent basis for this limitation in the claim.

9. Claims 10 and 11 recite the limitation "the non-postal route location." There is insufficient antecedent basis for this limitation in the claims.

*Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borgendale, et al., U.S. Pat. No. 5,734,568 (Reference A of the PTO-892) in view of Sansone, et al., U.S. Pat. No. 5,068,797 (Reference B of the attached PTO-892).

12. As per claim 1, Borgendale teaches a computer readable medium containing a data structure for storing non-postal route data records for access by a sortation program comprising: a route data table containing a plurality of route data sets (Fig. 8A-1); a destination data table containing a plurality of destination data sets corresponding to the one or more route data sets, each route data set having a link to the corresponding destination data sets of said destination data table, each destination data set including a sequence designation indicating an order of delivery of materials between the plurality of destinations (Fig 8A-1; column 2, lines 36-37); and a delivery point data table containing one or more delivery point data sets corresponding to each

Art Unit: 3628

destination data set, each destination data set having a link to the corresponding delivery point data set of said delivery point data table (Fig. 8A-1; column 9, lines 8-39). Borgendale does not explicitly teach the route is a non-postal route; which is taught by Sansone (Abstract). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Sansone into the medium taught by Borgendale because mail is often transported to its final destination by carriers other than the US Postal System (as taught by Sansone; Abstract).

13. As per claim 2, Borgendale in view of Sansone teaches the medium of claim 1 as described above. Borgendale further teaches each delivery point data set includes delivery point sequence data that indicates an order of delivery of materials between multiple delivery points (Fig 8A-1; column 2, lines 36-37).

14. As per claim 3, Borgendale in view of Sansone teaches the medium of claim 2 as described above. Borgendale further teaches each delivery point data set includes all delivery points within a destination of the corresponding destination data set and the delivery point sequence data includes sequence designations corresponding to each delivery point (Fig 8A-1; column 9, lines 23-26).

15. As per claim 4, Borgendale in view of Sansone teaches the medium of claim 2 as described above. Borgendale further teaches each delivery point data set includes a range of delivery points and the delivery point sequence data includes a sequence designation corresponding to the range of delivery points (Fig 8A-1; column 9, lines 23-26).

16. As per claims 5 and 6, Borgendale in view of Sansone teaches the medium of claim 1 as described above. Borgendale further teaches each destination data set includes a destination address and shipping address (column 9, lines 3-6).

17. As per claim 7, Borgendale in view of Sansone teaches the medium of claim 5 as described above. Borgendale further teaches the shipping address is different from the destination address (column 9, line 6).

Art Unit: 3628

18. As per claim 8, Borgendale in view of Sansone teaches the medium of claim 5 as described above. Borgendale further teaches each destination data set includes the name of the destination (column 9, lines 35-39).

19. As per claim 9, Borgendale in view of Sansone teaches the medium of claim 5 as described above. Borgendale further teaches each destination data set includes an alias for the destination (Fig. 8B-2).

20. As per claim 10, Borgendale in view of Sansone teaches the medium of claim 1 as described above. Borgendale further teaches the route data sets include identification data comprising the name and address of the route location (column 8, lines 30-35). Sansone further teaches the route is a non-postal route, as set forth in claim 1 (Abstract).

21. As per claim 11, Borgendale in view of Sansone teaches the medium of claim 1 as described above. Borgendale further teaches the route data sets include a nickname for the route location (Fig. 8B-2). Sansone further teaches the route is a non-postal route, as set forth in claim 1 (Abstract).

22. As per claim 12, Borgendale teaches a data processing system for executing an extraction program for extracting non-postal route mail records from among a plurality of input mail records, said data processing system comprising: a processor for processing said extraction program (column 18, line 4); and a medium readable by said processor for storing a data structure for access by said extraction program, said data structure including: a route data table containing a plurality of route data sets (Fig. 8A-1); a destination data table containing a plurality of destination data sets corresponding to the one or more route data sets, each route data set having a link to the corresponding destination data sets of said destination data table, each destination data set including a sequence designation indicating an order of delivery of materials between the plurality of destinations (Fig 8A-1; column 2, lines 36-37); and a delivery point data table containing one or more delivery point data sets corresponding to each destination data

Art Unit: 3628

set, each destination data set having a link to the corresponding delivery point data sets of said delivery point data table (Fig. 8A-1; column 9, lines 8-39).

### *Conclusion*

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sansone, et al., U.S. Pat. No. 5,388,049 (Reference C of the attached PTO-892) teaches a system and method for providing security to value mail, wherein a mailer produces mail in accordance with a mail list and determines the quantity of mail and weight thereof and a dispatch and routing tag is printed with the destination information, and wherein the mailer has a dispatch and routing (D&R) program that will yield the schedule of the common carrier so that the mail that is being processed can be tracked. Brust, et al., U.S. Pat. No. 5,673,193 (Reference D of the attached PTO-892) teaches a system and method for processing a mailing consisting of a plurality of identical printed items to be grouped into bundles having an identical general address. Yui, Japanese Pat. Pub. No. 09-192609 (Reference N of the attached PTO-892) teaches a system to improve the efficiency of handing postal item, wherein if there are a plurality of delivery address names, such as apartments house names and addressee names, the information is recognized and printed as codes corresponding to a delivery order.

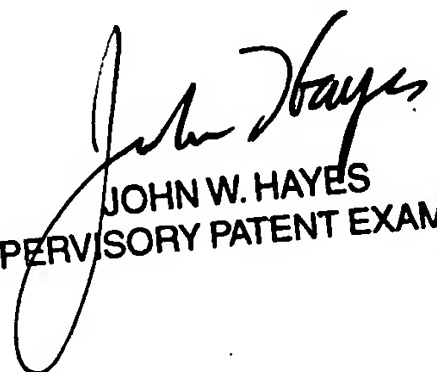
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Vetter whose telephone number is (571) 270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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SUPERVISORY PATENT EXAMINER